IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Boon HO et al.	§	Confirmation No.:	8413
		§		
Serial No.:	10/717,521	§	Group Art Unit:	2474
		§		
Filed:	11/21/2003	§	Examiner:	Feben Haile
		§		
For:	Method And System For	§	Docket No.:	200310819-1
	Monitoring A Network	§		
	Containing Routers Using	§		
	A Backup Routing Protocol	§		

REPLY BRIEF

Mail Stop Appeal Brief – Patents   Date: October 26, 2010
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated September 17, 2010, Appellants submit this Reply Brief for further consideration by the Board. Appellants provide the following additional comments to some, but not all, of their arguments from their original brief. However, that Appellants have not provided additional comments to all arguments from the original brief should not be construed as indicating that previously presented arguments not discussed herein lack merit. The Board is requested to consider all arguments made by Appellants in the original brief and the additional arguments in this Reply Brief.

Independent claim 1 requires "discovering a topology object model of the routers [using a backup routing protocol and organized in at least one backup routing group.]" *Ofek* ¶ [0021] teaches that "elements in the domains (entity objects) are stored in a Topology Object Model." However, *Ofek* fails to teach or suggest routers using a backup routing protocol and organized in a backup routing group, or discovering a topology object model of such routers as required by claim 1. *Liu* is directed to detecting failure in a cluster of network security devices. *Liu*, Abstract. Consequently, *Liu* fails to satisfy this deficiency of *Ofek*.

Claim 1 also requires "detecting a condition of the at least one backup router group based on at least one threshold value." The Examiner admitted

that *Ofek* fails to teach these limitations as cited *Liu* as alleged so teaching. *Examiner's Answer*, p. 5. As explained above, *Liu* teaches a cluster of security devices, and therefore fails to teach or suggest detecting a condition of the router group based on a threshold value.

Claim 1 further requires "displaying an indication of the detected condition." *Ofek* teaches that "information contained in the Topology Object Model is graphically presented to a user." However, *Ofek* and *Liu* fail to teach or suggest that the indication of detected condition is "contained in the Topology Object Model" and displayed therefrom or displayed in any fashion.

Independent claims 12 and 24 include limitations similar to those of claim 1 explained above. For at least the reasons given above, Appellants respectfully submit that *Ofek* and *Liu* fail to teach or suggest the limitations of claims 1, 3-6, 9-12, 14-17, 20-24, 26-29, and 32-34.

Claims 3, 14, and 25 require that "the detecting is also based on a number of backup router groups to which one of the routers belongs." The Examiner cited *Liu* as allegedly teaching these limitations. *Liu* teaches that a security device may act as a master in one redundancy group and a backup in other groups. However, *Liu* fails to teach or suggest that detecting a condition of a backup router group is based on a number of groups to which a router belongs. Appellants respectfully submit that the Examiner's conclusion that "Liu's threshold parameter could be applied to detecting a failure in the active-active configuration" is conjecture. *Examiner's Answer*, p. 24. At best the Examiner's contention leads to a conclusion of detecting based on group membership, but that a device belongs to multiple groups is inapposite to detecting being based on a number of groups to which a router belongs as claim 3 requires. *Ofek* fails to satisfy this deficiency of *Liu*. For at least these additional reasons, Appellants respectfully submit that the Examiner erred in rejecting claims 3, 14, and 26.

Independent claim 35 requires "the backup routing protocol group object includ[es] a virtual address of the backup routing protocol group and real addresses of the network elements in the backup routing protocol group." The Examiner admitted that *Ofek* fails to teach these limitations, and cited *Liu* as

allegedly so teaching. *Examiner's Answer*, p. 12. *Liu* teaches that each device has its own IP and MAC address. However, *Liu* fails to teach or suggest that either of these addresses is a virtual address or a virtual address of the backup routing protocol group, but rather teaches that these are device rather than virtual or group addresses. For at least this reason, and the reasons given above with regard to claim 1 as applicable to similar limitations of claim 35, Appellants respectfully submit that *Ofek* and *Liu* fail to teach or suggest the limitations of claims 35-37.

Claims 2, 7, and 8 depend from independent claim 1. Claims 13 18, and 19 depend from independent claim 12. Claims 25, 30, and 31 depend from independent claim 24. *Yip* fails to satisfy the deficiencies of *Ofek* and *Liu* explained above with regard to claims 1, 12, and 24. Therefore, Appellants respectfully submit that the Examiner erred in rejecting claims 2, 7, 8, 13, 18, 19, 25, 30, and 31 for much the same reasons as are given above with regard to independent claims 1, 12, and 24.

For the reasons stated above, Appellants respectfully submit that the Examiner erred in rejecting all pending claims. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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